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November 14, 2017

via ELECTRONIC FILING AND EMAIL

*Member NJ & PA Bar

The Honorable Jerrold N. Poslusny, U.S.B.J.
United States Bankruptcy Court
U.S. Post Office and Courthouse
401 Market Street
Camden, NJ 08101

RE: In re Ernest M. Howard
Case No.: 17-22202-JNP
Our File No.: 13819
McCormick 106, LLC's Further Opposition to Debtor's Motion to Reimpose Automatic Stay
Hearing Date: November 14, 2017

Dear Judge Poslusny:

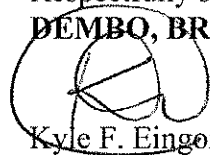
This firm represents secured creditor, McCormick 106, LLC ("McCormick") in the above referenced bankruptcy case. Kindly accept this letter brief in lieu of a more formal brief in further opposition to the Debtor's Motion to Reimpose the Automatic Stay (the "Motion").

We appeared today before Your Honor for a hearing on the Motion wherein it was indicated to the Court that the Debtor had paid the Condominium charges. Upon my return to my office I received in today's mail the attached letter and Claim of Lien for Unpaid Common Charges through October 31, 2017. Despite the fact that it was the Debtor's burden to demonstrate his compliance with the Court's July 14, 2017 Order [Doc 27] including the payment of the condominium charges, the Debtor failed to do so and then for the second time, has made a misrepresentation to the Court regarding the status of his payments.

As no order has been entered on the Debtor's Motion, it is respectfully requested that based upon this information, which should have been properly disclosed by the Debtor at this morning's hearing, the Motion should be denied and McCormick should be entitled to proceed with its foreclosure action.

We thank the Court for its time and courtesies in this regard.

Respectfully submitted,
DEMBO, BROWN & BURNS LLP



Kyle F. Eingorn

KFE/nv

Enclosure

Cc: Steven A. Silnutzer, Esquire
Isabel Balboa, Esquire

LARS S. HYBERG
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*Certified by the Supreme Court of New Jersey
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ERIC D. MANN

hwmlaw.com

ROBERT N. McALLISTER, JR.
(1929 -2010)

November 9, 2017

Michael E. Brown, Esquire
Dembo Brown & Burns
1300 Route 73, Suite 205
Mount Laurel, NJ 08054

Re: McCormick 106 LLC v. Ernest Howard, et al.
Docket No.: F-013929-17
Property: Unit 107, 5303 Harding Highway
Sandpiper Condominium Association
Hamilton Township, Atlantic County, New Jersey

Dear Sir/Madam:

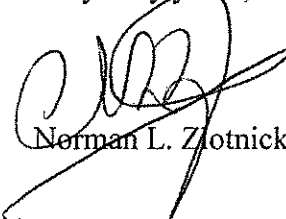
This office is retained to represent the Sandpiper Condominium Association in a collection action for unpaid association fees against the owner(s) of the above-referenced unit. Recent title work for this property included a Notice of Lis Pendens filed on behalf of your client, McCormick 106 LLC. Please inform me if final judgment enters in the lender's foreclosure action or if a sheriff's sale of this property is scheduled in the future.

Pursuant to New Jersey's Limited Lien Priority Law, N.J.S.A. 46:8B-21, please be advised that on or about October 17, 2017 the Sandpiper Condominium Association filed a condominium lien against the above property. A copy of the lien is enclosed for your review.

This letter shall serve solely as notice to you of the filing of the lien under N.J.S.A. 46:8B-21(b)(6), which is required in order for the Association to perfect its lien position and obtain the limited priority established by the Limited Lien Priority Law. Please be further advised that this notice is not being sent in connection with the collection of any debt from your mortgagor nor are you being requested to take any affirmative action against your mortgagor.

Thank you for your attention in this regard.

Very truly yours,



Norman L. Zlotnick

NLZ/lis/enc.

DEMBO, BROWN & BURNS LLP

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ATTORNEYS FOR PLAINTIFF

McCORMICK 106, LLC,

Plaintiff,

-v-

ERNEST M. HOWARD, MRS. ERNEST M.
HOWARD, known spouse of Ernest M.
Howard, STATE OF NEW JERSEY, KEISHA
J. MILES and UNKNOWN OCCUPANTS
and/or TENANTS 1 THROUGH 5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ATLANTIC COUNTY
CHANCERY DIVISION

Docket No.: F-013929-17

Civil Action

NOTICE OF LIS PENDENS

NOTICE IS hereby given of the commencement and pendency of the above entitled civil action, the general objects of which are:

1. To foreclose the following mortgage covering the premises hereinafter described,
to wit:

Mortgage made by Ernest Howard to Sun National Bank, dated October 30, 2009,
recorded on November 17, 2009 in the Office of the Clerk of Atlantic County, in Instrument
#2009080258, Volume #13077 of Mortgages for the said County. Said Mortgage was assigned to
McCormick 106, LLC by Sun National Bank via an Assignment of Mortgage dated August 31,
2016 and effective on July 29, 2016 and recorded on October 25, 2016 in the Atlantic County
Clerk's office as Instrument Number 2016064305 in Volume 14148. McCormick 106, LLC
remains the holder of said Mortgage.

ATLANTIC COUNTY, NJ
EDWARD P. McGETTIGAN, COUNTY CLERK
RCPT # 1352732 RECD BY Cathu
REC FEES \$40.00
RECORDED 10/17/2017 04:09:34 PM
INST # 2017057575

copy



Atlantic County Document Summary Sheet

ATLANTIC COUNTY CLERK
5901 MAIN ST
MAYS LANDING, NJ 08330

Return Name and Address

Hyberg White & Mann
2111 New Road, Suite 105
Northfield, NJ 08225

Official Use Only

Submitting Company

Hyberg White & Mann

Document Date (mm/dd/yyyy)

10/10/2017

Document Type

CONDOMINIUM LIEN

No. of Pages of the Original Signed Document
(Including the cover sheet)

2

Consideration Amount (If applicable)

First Party

(Grantor or Mortgagor or
Assignor)
(Enter up to five names)

Name(s)

(Last Name, First Name Middle Initial, Suffix)
(or Company Name as written)

Howard, Ernest

Address (Optional)

Second Party

(Grantee or Mortgagee or
Assignee)
(Enter up to five names)

Name(s)

(Last Name, First Name Middle Initial, Suffix)
(or Company Name as written)

Sandpiper Condominium Association, Inc.

Address (Optional)

Parcel Information

(Enter up to three entries)

Municipality

Hamilton Twp.

Block

Lot

Qualifier

Property Address

Unit 107
5303 Harding Highway

Reference Information

(Enter up to three entries)

Book Type

Book

Beginning Page

Instrument No.

Recorded/File Date

DO NOT REMOVE THIS PAGE

DOCUMENT SUMMARY SHEET (COVER SHEET) IS PART OF ATLANTIC COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.

CLAIM OF LIEN FOR UNPAID COMMON CHARGES

TO: The Recording Officer of Atlantic County, New Jersey,
ERNEST HOWARD
and whom else it may concern:

1. Notice is hereby given that the Sandpiper Condominium Association, Inc., the undersigned lienor, has and claims a lien for unpaid common charges, pursuant to New Jersey Statutes. The name of the lienor is the **Sandpiper Condominium Association, Inc.**, on behalf of all unit owners of the Sandpiper Condominium Association, a condominium association pursuant to a Master Deed dated January 30, 1981, and recorded in the office of the recording officer of Atlantic County on February 9, 1981 in Book 3558 of Deeds, at Page 43.

2. Owner(s): **ERNEST HOWARD**

3. Property: **Unit 107, 5303 Harding Highway
Mays Landing (Hamilton Twp), New Jersey 08330**

4. Amount Due:

Common charges and assessments through 10/31/17, attorneys
fees & costs to date as permitted by governing documents

\$8,565.13

Accelerated fees through fiscal year ending 12/31/17

\$ 450.00

TOTAL

\$9,015.13 (plus interest)

The undersigned, on behalf of all unit owners of the Association organized pursuant to New Jersey law, claims a lien on the above referenced property until the above sums for unpaid common charges and accrued interest thereon shall have been paid.

SANDPIPER CONDOMINIUM ASSOCIATION, INC.

Dated: October 10, 2017

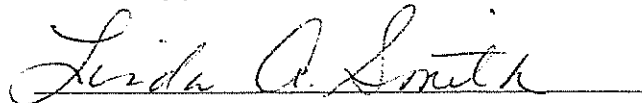
By: 

NORMAN E. ZLOTNICK, ESQUIRE

Attorney for Sandpiper Condo Assn., Inc.

STATE OF NEW JERSEY; COUNTY OF ATLANTIC: ss.

BE IT REMEMBERED, that on October 10, 2017, before me, the subscriber, personally appeared NORMAN L. ZLOTNICK, ESQUIRE, who I am satisfied, is the person named in and who executed the within Instrument, and thereupon I acknowledged that he/she signed, sealed and delivered the same as his/her act and deed, for the uses and purposes therein expressed, on behalf of the Sandpiper Condominium Association, Inc.



Record and Return to:
Hyberg White & Mann
2111 New Road, Suite 105
Northfield, NJ 08225

LINDA A. SMITH
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/15/2022